



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fenical et al. Art Unit: 1626  
Application No.: 10/600,854 Examiner: Fiona Powers  
Filing Date: June 20, 2003 Confirmation No.: 8484  
Title: SALINOSPORAMIDES AND METHODS FOR USE THEREOF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**DECLARATION OF**  
**APPLICANT UNDER 37 C.F.R. § 1.132**

I, Dr. Paul R. Jensen, do hereby declare and state that:

1. I am a co-inventor of the subject matter described and claimed in the U.S. Patent Application Serial No. 10/600,854, filed on June 20, 2003 entitled, "Salinosporamides and Methods for Use Thereof."

2. I am familiar with the prosecution history of Patent Application Serial No. 10/600,854.

3. I understand that the Examiner objected to the specification of Patent Application Serial No. 10/600,854 because on pages 4 (paragraph [0012]) and 4 (paragraph [0040]), the ATCC Accession Numbers are missing for *Salinospora* sp. strains CNB392 and CNB476.

4. I declare that the strain CNH392, is identical to, and was derived from, strain CNB476, deposited June 20, 2003 as ATCC No. PTA-5275.

5. I further understand that the ATCC Accession Number for the strain CNB476 (PTA-5275) was added to the specification by the preliminary amendment filed April 30, 2004.

6. I declare that the deposits were made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty). This assures maintenance of viable cultures at ATCC for at least 30 years from the date of deposit, or for the enforceable

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7: I declare that the deposits were made under the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure and the Regulations thereunder (Budapest Treaty). This assures maintenance of viable cultures at ATCC for at least 30 years from the date of deposit, or for the enforceable life of the patent, or for a period of 5 years after the date of the most recent request for furnishing a sample of the deposited material, whichever is longest. The organisms will be made available by ATCC under the terms of the Budapest Treaty and the line will be irrevocably and without restriction or condition released to the public upon issuance of a patent. Also, If the culture deposit should die or be lost or destroyed when cultivated under suitable conditions, it will be promptly replaced on notification with a viable specimen of the same culture. Availability of a deposited strain is not to be construed as a license to practice the invention in contravention of the rights granted under the authority of any government in accordance with its patent laws.

8. I further declare that all statements made herein of knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

16 FEBRUARY 2006

Date

Paul R. Jensen

Paul R. Jensen